

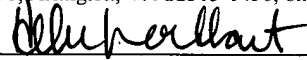
DOCKET NO: C1039.70077US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg, et al.  
Serial No: 10/619,279  
Confirmation No: 8248  
Filed: July 14, 2003  
For: IMMUNOSTIMULATORY NUCLEIC ACID MOLECULES  
  
Examiner: Not yet assigned  
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on the 6 day of January, 2004.

  
Helen C. Lockhart

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

TRANSMITTAL

Sir:

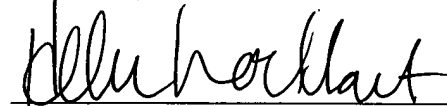
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement;
- ☒ PTO Form 1449 (copies of references cited);
- ☒ Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

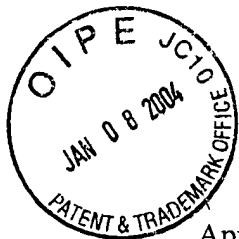
No fee is enclosed. If there is a fee associated with this filing, then please charge the amount to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,



Helen C. Lockhart, Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617)720-3500

Docket No. C1039.70077US00  
Date: January 6, 2004  
xNDDx



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Helen C. Lockhart, Ph.D., Reg. No. 39,248

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing of a First Office Action on the merits, and therefore, no fee is enclosed herewith.

**Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references. This PTO-1449 is a duplicate of the PTO-1449 filed with the patent application. Since the claim of priority has been corrected since the filing of the application, applicants have corrected in the attached PTO-1449 application the serial

number in which copies of the documents were previously submitted. In a few indicated instances, copies of the cited references are enclosed because they were not previously submitted in the parent application 09/337,619.

The Applicants hereby make the following additional information of record in the above-identified application:

The following are related pending U.S. non-provisional applications which do not appear on the 1449 form.

Docket Number	Serial Number	Filing Date	Inventor(s)
C1039.70001US00	08/386,063	02/07/95	Krieg et al.
C1039.70004US00	08/738,652	10/30/96	Krieg et al.
C1039.70005US00	08/960,774	10/30/97	Krieg et al.
C1039.70011US00	09/030,701	02/25/98	Krieg et al.
C1039.70009US00	09/082,649	05/20/98	Davis et al.
C1040.70004US00	09/146,072	09/02/98	Davis et al.
C1039.70016US00	09/154,614	09/16/98	Davis et al.
C1039.70017US00	09/191,170	11/13/98	Krieg et al.
C1041.70002US00	09/241,653	02/02/99	Wagner et al.
C1039.70026US00	09/286,098	04/02/99	Krieg et al.
C1039.70027US00	09/306,281	05/06/99	Gramzinski et al.
C1040.70006US00	09/316,199	05/21/99	McCluskie et al.
C1039.70025US00	09/325,193	06/03/99	Davis et al.
C1039.70021US00	09/337,619	06/21/99	Krieg et al.
C1039.70022US00	09/337,893	06/21/99	Krieg
C1039.70028US00	09/361,575	07/27/99	Krieg

The following are remarks concerning the other information cited:

#### Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

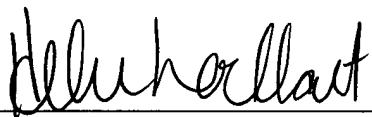
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

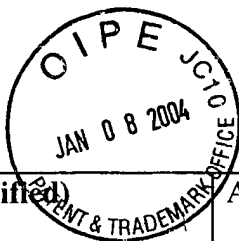
Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:   
Helen C. Lockhart, Reg No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
Telephone (617) 720-3500

Docket No. C1039.70077US00  
Dated: January 6, 2004  
xNDDx



<b>FORM PTO-1449 (Modified)</b>	<b>ATTY. DOCKET NO.</b>	<b>SERIAL NO</b>
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	C1039.70077US00	10/619,279

APPLICANT Krieg et al.	
FILING DATE July 14, 2003	GROUP 1632

### U.S. PATENT DOCUMENTS

Exam Init	Ref Des	Document No.	Date	Name	Class	Sub Class	FILING DATE If Appropriate
	*	3,906,092	09/16/75	Hilleman et al.			
	*	5,248,670	09/28/93	Draper et al.	514	44	
	*	5,585,479	12/17/96	Hoke et al.	536	24.5	
	*	5,663,153	09/02/97	Hutcherson et al.	514	44	
	*	5,723,335	03/03/98	Hutcherson et al.	435	375	
	*	5,786,189	07/28/98	Locht et al.	435	172.3	
	*	5,849,719	12/15/98	Carson et al.	514	44	
	*	6,498,148	12/24/02	Raz			

### FOREIGN PATENT DOCUMENTS

		Country & Doc. No. (11)	Pub. Date (43)		Class	Sub Class	Translation Yes No	
	*	WO 91/12811	09/05/91	PCT	A61K	31/70		
	*	0468520 A3	01/29/92	EPO	A61K	31/70		
	*	WO 92/03456	03/05/92	PCT	C07H	15/12		
	*	WO 92/18522	10/29/92	PCT	C07H	21/00		
	*	WO 92/21353	12/10/92	PCT	A61K	31/70		
	*	0302758 B1	03/16/94	EPO	C12N	15/37		
	*	WO 94/19945	09/15/94	PCT	A01N	43/04		
	*	WO 95/05853	03/02/95	Regents of the University of CA				
	*	WO 95/26204	10/95	PCT	A61K	48/00		
	*	WO 96/02555	02/01/96	PCT				
	*	WO 96/35782	11/14/96	Applied Research Systems				
	*	WO 97/28259	08/07/97	PCT	C12N	15/00		
	*	WO 98/18810	05/07/98	PCT	C07H	21/00		
	*	WO 98/37919	09/03/98	PCT	A61K	49/00		
	*	WO 98/40100	09/17/98	PCT	A61K	39/39		
	*	WO 98/52581	11/26/98	PCT	A61K	35/00		



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<b>APPLICANT</b> Krieg et al.		
<b>FILING DATE</b> July14, 2003		<b>GROUP</b> 1632

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Exam Init	Ref Des	Document No.	Date	Name	Class	Sub Class	FILING DATE If Appropriate
	*	WO 98/14210	04/09/98	PCT	A61K	39/35	
	B1	WO 98/16247	04/23/98	Regents of the University of CA			
	*	WO 98/32462	07/30/98	Wagner et al.			
	B2	WO 98/49288	11/05/98	Hybridon, Inc.			
	*	WO 98/55495	12/10/98	Dynavax Technologies Corp.			
	*	WO 99/11275	03/11/99	Regents of the University of CA			

**OTHER ART**

(Including Author, Title, Date, Pertinent Pages, Publication, Etc.)

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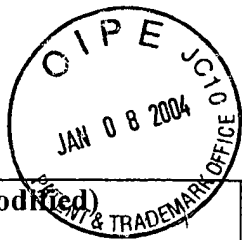


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### OTHER ART

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	*	Branda RF et al., Amplification of antibody production by phosphorothioate oligodeoxynucleotides. <i>J. Lab Clin Med</i> 128(3):329-38, Sep 1996.
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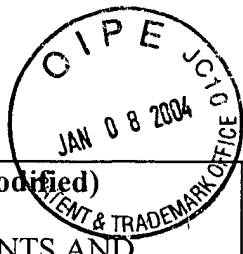
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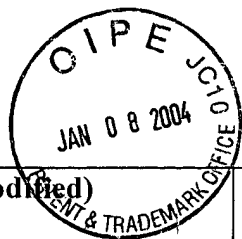


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### OTHER ART

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	*	Krieg AM et al., Oligodeoxynucleotide modifications determine the magnitude of B cell stimulation by CpG motifs. <i>Antisense Nucleic Acid Drug Dev</i> 6(2):133-9, Summer 1996.
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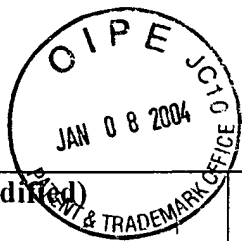


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### OTHER ART

(Including Author, Title, Date, Pertinent Pages, Publication, Etc.)

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<b>FORM PTO-1449 (Modified)</b>  <b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>	<b>ATTY. DOCKET NO.</b>  C1039.70077US00	<b>SERIAL NO</b>  10/619,279
	<b>APPLICANT</b> Krieg et al.	
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EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 08/738,652, filed October 30, 1996, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications)

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/337,619, filed June 21, 1999, and relied upon for an earlier filing date under 35 USC 120.